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Charter of the city of Oviedo

City of Oviedo, Florida

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Section 1. That a municipality to be known and called the Town of Oviedo is hereby established in Seminole County, in the State of Florida, the territorial boundaries of which shall be as follows; to-wit:

Beginning at the Northwest Corner of Section ten (10), Township twenty-one (21), South, Range thirty-one (31) East, run thence West three-fourths ($3/4$) miles to the Northeast Corner of the Northwest Quarter of the Northwest Quarter, Section nine (9), same township and range; thence South two (2) miles to the Southeast Corner of the Southwest Quarter of the Southwest Quarter, Section sixteen (16), same township and range; thence East two (2) miles to the Southeast Corner of the Southwest Quarter of the Southwest Quarter, Section fourteen (14), same township and range; thence North two (2) miles to the Northeast Corner of the Northwest Quarter of the Northwest Quarter of Section eleven (11), same township and range; thence West one and one-fourth ($1\frac{1}{4}$) miles to beginning.

Section 2. That said corporation shall have perpetual succession, shall have the right to sue and be sued in its corporate name and in its corporate name plead and be impleaded; and to acquire, receive and hold by purchase, deed, lease, gift, grant, condemnation or otherwise, property, real and personal within or without the corporate limits of the town for any and all municipal purposes, and to sell, lease or otherwise dispose of the same for the use of the town, and to acquire, receive and hold by purchase, deed, lease, gift, grant, condemnation or otherwise property both real and personal beyond the limits of the town to be used for the burial of the dead, for the erection of waterworks, for the establishment of poor houses, and houses of detention and correction, for public parks and promenades, for the erection, maintaining and operating of light plants, for the erection, maintaining and operating of plants for the destruction of garbage, and for other general sanitary purposes and for such other purposes that the Mayor and Town Council may deem necessary or proper, and to sell, lease or otherwise dispose of such property for the benefit of the town. Said town shall have and use a corporate seal.

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Section 3. The corporate authority of said town shall be vested in a Mayor, a Town Council, a Clerk, a Tax Assessor, a Tax Collector and a Marshall. The offices of Clerk and Tax Assessor shall be held by the same person, and the offices of Tax Collector and Marshall shall be held by the same person, until such time as the Town Council shall provide by ordinance that such offices shall be held by different persons. The Town Council shall have the authority by ordinance to provide for the creation of such other offices, officers, inspectors and attaches as the said Council shall from time to time deem advisable or necessary.

Section 4. Except as is hereinafter provided the Mayor shall be elected for the term of two years and shall hold office until his successor is duly elected by the qualified electors of the town at large, and qualified. The compensation of the Mayor shall be fixed by ordinance, and shall not be reduced during his term in office. The Mayor shall have the authority and power to preserve the peace and enforce good order in the town.

Section 5. The Mayor shall have the power to suspend any officer of the town, except members of the town council, for misconduct in office or neglect of duty, reporting his actions in writing with reasons therefor to the next regular meeting of the town council for its approval or disapproval.

Section 6. The Mayor shall have general supervision over all town affairs, except the town council, and may examine into the condition of their offices, the books, records, papers and works thereof and therein and the manner of conducting their business. He shall report to the town council all violations of neglect of duty on the part of any town official that may come to his knowledge. All contracts entered into by the town shall be countersigned and approved by the Mayor before becoming effective.

Section 7. Every ordinance passed by the town council before becoming a law shall be presented to the Mayor under seal and the certificate of the Clerk. If the Mayor approves the same

he shall sign it and return it to the Clerk, but if he shall not approve and sign it, he shall return it to the Clerk with his objections in writing at or before the next regular meeting of the town council for consideration, and if the town council shall then pass such ordinance by a four-fifths vote of the total membership of the town council the ordinance shall become a law without the Mayor's approval and signature. If the Mayor shall fail to return any ordinance or shall return the same unsigned and without his objections in writing at or before the next regular meeting of the town council, after its passage, he shall be deemed to have approved the same and it shall become a law without his signature.

Section 8. The Mayor shall communicate to the town council from time to time such information and recommendations touching the public service as he may deem proper. Such information and/or recommendations shall be in writing. It shall be the duty of the Mayor to see that all the laws and ordinances of the town are duly observed or enforced, and to perform such other duties as may be required of him by law or ordinance.

Section 9. The Mayor may be impeached by the town council for misfeasance, malfeasance or nonfeasance in office, for drunkenness or perpetual intoxication, or for any criminal misconduct, and he may be removed from office by an affirmative vote of four-fifths of all the members of the town council. Should charges at any time be preferred against the Mayor they shall be in writing, and shall clearly set forth the offense or offenses of which such officer is accused, a copy thereof signed by the president or president pro tempore of the town council and attested by the town clerk with the seal of the town affixed shall be served on the Mayor by the Marshall, and the town council shall proceed without unnecessary delay to investigate and pass upon said charges. The Mayor shall have the right to be heard in person or by attorney at such investigation and trial.

Section 10. In case of death of the Mayor or his absence from the City or his inability from sickness or from any other cause to discharge the duties of Mayor, the president of the town council shall discharge such duties, and in case of the disability of the Mayor and the president of the town council the president pro tempore of the town council shall discharge the duties of Mayor. While discharging the duties of Mayor the president or the president pro tempore shall be designated as Acting Mayor and shall not sit or vote as a member of the town council.

Section 11. The Town Council shall be composed of five members, who shall, except as hereinafter provided, be elected for the term of two years, by the qualified electors of the town and shall hold office until their successors are elected and qualified. Should any member of the town council permanently remove from the corporate limits of the town, the town council shall declare a vacancy in such office and shall, with the advice and consent of the Mayor, fill such vacancy by appointment. On the first Tuesday after the first Monday in January after the first general municipal election shall be held under this act, and on the same day every two years thereafter, the members elect of the town council having taken their oath of office shall assemble and organize the town council by election one of their number president, and another of their number president pro tempore, and the minutes of such meeting duly noting such elections shall be recorded in the regular journal kept by the town council.

Section 12. The town council shall be the judges of the qualifications, election and return of its own members. The town council may enact rules of procedure and may prescribe penalties for the nonattendance or disorderly conduct of its members and enforce the same. Four-fifths of the members of the town council concurring, it may expel a member for improper conduct in office. A majority of the members of the town council shall be necessary to constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time and under the provisions of ordinances

or rules of procedure may compel the attendance of absent members.

Section 13. The town council shall hold one regular meeting each month. The regular meeting of the town council shall be on such day and hour as shall be fixed by the council, by ordinance, but the regular meeting may be adjourned from time to time if necessary. The town council may have such special and called meetings as in their judgment shall be necessary for the public good. Whenever it shall be necessary to have a called meeting of the town council the Mayor shall issue the call, which call shall state the time and place of holding the meeting and the purpose for which same is called. Such call shall be served by the Marshall on each member of the town council and on the Clerk.

Section 14. The town council shall have the power and is hereby authorized to create such offices and to provide by ordinance or resolution for the election or appointment of such officers and employees as in their judgment may be necessary for the good government of the town, and a proper and efficient carrying on of the town business, not to conflict or interfere with the duties of officers provided for in this act. The compensation and duties of all such officers and employees shall be prescribed by the town council. The town council shall have the power to abolish at any time any office or position created by it, or suspend the operation of the same.

Section 15. That all officers and employees of the town shall be required to give such bond as shall be provided for by ordinance or as shall be required by the town council. Until the town council shall by ordinance provide otherwise the members of the town council shall each give a bond in the sum of \$250.00, and the Mayor shall give a bond in the sum of \$500.00, the Clerk and Assessor shall give bond in the sum of \$250.00, the Marshall and Collector shall give bond in the sum of \$1000.00, all bonds to be payable to the town of Oviedo, and to be approved by the town council. No member of the town council shall be eligible to hold any other town office.

Section 16. The town council shall, within the limitations of this Act, have power by ordinance to levy and collect taxes upon all property, privileges and professions taxable by law for State purposes, and upon any other business, profession or occupation upon which the town council shall see fit to impose a license tax, and shall prescribe the penalties for the carrying on of any business, occupation or profession without such license; and to make their own valuation for the purpose of municipal taxation; to appropriate money for the payment of the obligations and expenses of the city, and also for the payment of all debts and obligations incurred by the town of Oviedo, to make regulation to prevent the introduction of contagious or infectious diseases in the town of Oviedo, and to make quarantine laws for that purpose, and to enforce the same within two miles of the town; Provided such quarantine laws and regulations shall not be in conflict with the laws of the State of Florida or the United States; to establish hospitals, jails, houses of detention and correction and to make regulations for the government thereof; to pass ordinances and to make rules and regulations to secure the general health, morals, safety and welfare of the town's inhabitants and to prevent and remove nuisances, whether affecting the health, morals, safety or security of the community; to provide the town with water by waterworks within or beyond the boundaries of the town, and to supply and furnish water to the inhabitants of the town and others such reasonable rules and regulations as might be prescribed by the town council; to provide for the prevention and extinguishment of fires, and to organize and establish fire departments; to provide for the lighting of the town by electricity, gas or other illuminating material, and to establish and own plants therefor within or beyond the boundaries of the town; to authorize and make appropriations to alter, open, extend, abolish, widen, establish, grade, pave or otherwise improve, clean and keep in repair streets, alleys and sidewalks, and to erect and keep in repair, bridges, culverts, sewers, and gutters, and to do all things necessary for the carrying on and

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accomplishment of such work; and to make appropriations for lighting the streets and public buildings and for the erection of all buildings necessary for the use of the town; to license, tax and regulate auctioneers, taverns, peddlers and all other privileges taxable by the State, or upon other privileges upon which the city council shall see fit to impose such tax; to license, tax and regulate hackney carriages, cars, omnibuses, wagons, drays and all motor vehicles, and to fix the rate to be charged for the carriage of persons and property within the city limits; to prohibit and suppress gambling houses, bawdy and disorderly houses, and any show, circus, exhibition, parade or amusement contrary to good morals, and all obscene pictures and literature; to regulate, restrain or prevent the carrying on of manufactories dangerous in increasing or producing fires; to license the sale of fire arms; to regulate the storage of tar, pitch, rosin, saltpeter, gun cotton, coal oil and other combustibles, explosives and inflammable material, and the use of lights, candles, lamps and steam pipes in all stables, shops and other places; to regulate or suppress the sale of fireworks, toy pistols, air guns, sling shots and all other dangerous toys or matter; to provide for and regulate the inspection of beef, pork, fish, flour, and meal, vegetables, fruits and all other provisions; to regulate the vending of meats, fruits, fish, poultry and all other provisions, and to establish and regulate markets; to provide for the arrest, imprisonment and punishment of all vagrants and all riotous and disorderly persons within the city, by day or by night, by warrant or otherwise, and to provide for the trial and punishment of all persons who shall violate any of the town ordinances for which punishment is prescribed; to pass and enforce all ordinances necessary for the security of the public health, safety and morals; to impose penalties on the owners, occupants or agents of any house, walk or side walk or other structure or place or thing which may be dangerous or detrimental to the citizens or their property, unless after due notice the same be remedied or removed; to regulate, tax, license or suppress the keeping or going at large of all animals

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and fowls within the town, and to empound the same, and in default of redemption thereof in pursuance of ordinance to sell, kill or otherwise dispose of same, and to punish by fine or imprisonment persons violating provisions of such ordinances; to provide for the inclosing, improving and regulating all public grounds and parks over which the town shall have control, either within or without the town; to provide for the organizing and maintaining of a police force, and to impose fines, forfeitures and penalties, and terms of imprisonment at hard labor or otherwise for breaches of town ordinances, but no fines shall exceed three hundred dollars, and no term of imprisonment shall be for a longer period than ninety days, for any one offense; to provide for the imprisonment of offenders against the ordinances at hard labor on the streets or other public works of the town until fine and costs adjudged against them are paid; to provide for the construction of streets and paving the same, and for the construction and repair of sidewalks and the foot pavements; and if the owner or owners, agent or agents of any lot or parcel of land abutting thereon or thereto shall fail to comply with the provisions of any ordinance or resolution of the town council ordering any such improvements, in such time as may be prescribed thereby, the town council or any person duly authorized by them may contract for such construction, improvement or repairs, and the town council shall pay the same, and for the amount so paid the town of Oviedo, Florida, shall have and acquire a lien on the property improved and chargeable with said improvement, and the amount so paid shall be collected by suit at law against the property owner, or by bill in equity for the enforcement of such lien, or such amount may be collected under the assessment provision of Section 1863 of the Revised General Statutes of Florida, that the town may resort to either one or all of said remedies until the full amount shall have been enforced and collected; to grant right of way through the streets, avenues and public grounds of the town for the purpose of street or other railways, and for other public utilities and improvements; provided, that nothing in this section shall be construed as depriving any abutting owner from

any right or claim to any damage he may suffer or be put to by the construction of such railway or other utility; to provide for the construction of sewers and drains and for keeping the same in repair, and to assess the expense on the property especially benefitted thereby in proportion to the amount of benefit, or upon the owner of abutting property in proportion to frontage, and upon any and all lands drained thereby and which receives a benefit; provided, the town council may, by ordinance or resolution, provide for the payment of any part of the cost by general cost, that the cost and expense of such improvement charged to and against the land or property shall be a lien thereon, and may be enforced in any court having jurisdiction; to take and appropriate private grounds and land in the manner provided by law for condemnation for widening streets or parts thereof, or for extending the same, or for laying out new streets, avenues, squares, parks or promenades, when the public convenience may require it, and to assess the cost and expense pro rata for such improvement upon the property especially benefitted thereby; to require parties or their agents owning property within the town to bring the same to a grade or topographical level by filling or excavating, as shall be necessary, or the town may have same done and have a lien for such expense, which lien may be enforced as provided in case of sidewalks and pavements.

Section 17. That it shall be the duty of the town council at the beginning of each fiscal year to agree on a budget of expense for the ensuing year; which budget shall designate the officers of the corporation with the salaries of each; and under general heads, such as streets, fire departments, light, water, police, etc; the subject of corporate expenditures and the estimated amount run out in figures, with the probable expenditure for each purpose; which budget shall be published in a newspaper published in the town of Oviedo, but if no newspaper is published in the town of Oviedo then the same shall be published by posting in three public places in said town and it shall be unlawful for the town

council to expend an amount in excess of such budget, except in case of emergency.

Section 18. That the town council shall by ordinance or resolution determine the number of standing committees, the number of members of which each of such committees shall consist, and shall designate the character and duties of each. The president shall appoint said committees as soon after the organization of the town council as practicable.

Section 19. That the town may by ordinance provide for the appointment by the Mayor and council of all town officers and employees, except the Mayor and members of the town council. All town officers and employees so appointed shall be appointed for terms equal in time with the terms of the Mayor and town council appointing them, but may be removed at any time for neglect of duty, insubordination or misconduct in office. All officers and employees so appointed shall give such bond for the faithful performance of their duties as shall be required by ordinance or resolution.

Section 20. The members of the town council shall each receive not exceeding two dollars for each meeting of the town council so attended by them respectively, as shown by the minutes kept by the town clerk, which compensation shall be payable annually at the expiration of the year.

Section 21. (A) That there shall be and is hereby created and established in the town of Oviedo, Florida, a Municipal Court, to be known as the Mayor's Court of the Town of Oviedo, Florida, for the trial of all offenders against the municipal ordinances. Such Court shall be presided over by the Mayor of the town of Oviedo. In the absence or disability of the Mayor the Acting Mayor shall preside and perform the duties and functions of the Mayor's Court. Sessions of the Mayor's Court shall be held as prescribed by ordinance.

(B). The Mayor shall have power by his warrant to have brought before him any person or persons charged with the violation

of the town ordinances, and shall have exclusive original jurisdiction over all proceedings of a criminal nature for the violation of any ordinance of the town. In the proper exercise of the functions of his Court within its jurisdiction as herein defined the Mayor shall have the power and is hereby authorized to issue and cause to be served any and all writs, such as are issued and used by the Justice of the Peace in the State of Florida, and the town Marshall of the town of Oviedo, or any of his deputies, or any policeman of the town of Oviedo, are hereby authorized and it is hereby made their duty to execute and serve any and all writs and processes issued out of the Mayor's Court, and to make proper return upon the same unto such Court and in the same manner as is required of constables and sheriffs in the execution of similar process or papers. The Mayor, and in his absence or disability as aforesaid the Acting Mayor, shall have the power and authority to take bail for the appearance of any accused person, to require the attendance of witnesses, on behalf of the town or accused person, to administer oaths, take affidavits, and to inquire into the truth or falsity of all charges preferred, to decide the guilt or innocence of the accused, and to fix and impose such penalties by sentence as are prescribed and provided for under the ordinances of the town, and to have all powers incidental and usual to the due enforcement of the town ordinances.

(C) All persons convicted in the Mayor's Court shall forthwith pay all fines and costs assessed against them, and in default in payment thereof may be committed to prison; provided that if such persons shall appeal from the judgment of the Court they shall be released upon entering into a bond with good and sufficient security in double the amount of fines and costs which have been assessed them, conditioned that they appear before the Court to which the cause is appealed and to abide and perform the judgment thereof.

(D) All persons imprisoned after conviction in the Mayor's Court shall be required to work for the town at such labor as their health and strength will permit, within or without the town limits.

not exceeding ten hours each day, and for not exceeding ninety days for one offense; provided that no prisoner be required to labor on Sunday.

(E) All persons arrested for the violation of any ordinance or breach of the peace committed within the town limits, upon the property of the town outside the town limits, and within the jurisdiction of the Mayor's Court, shall be immediately confined in the town jail or house of detention and remain there until a hearing has been had before the Mayor's Court, unless such person or persons shall give proper security for their appearance at the time set for such hearing, in which event they may be released.

(F) The Marshall or any of his deputies or any policeman of the town, taking an arrest, or in charge of the town jail or house of detention, shall have authority to take from persons so arrested a bond or other security for appearance before the Mayor's Court, but no such bond or security shall, be for more than \$250.00

(G) In all cases where accused persons have been released upon bond or other security and they fail to appear the Court shall declare such bond or security estreated, and such action shall be registered upon the docket, and in such case the Mayor, may, in his discretion, issue capias for the re-arrest of the accused person.

(H) The Mayor's Court shall have authority to preserve order and decorum and shall be invested with the same powers to that end, by fine and imprisonment, as are possessed and authorized to be exercised by Criminal Courts of Record within the State.

(I) All fines, penalties and fees collected in the Mayor's Court and by the Marshall or his deputies of said town shall be a part of the revenue of the town and shall be deposited in the designated depository of the town, as often as once a week, and a receipt taken therefor, according to rules and regulations prescribed by ordinance. The moneys so deposited in the depository may, by ordinance of the town council, be appropriated to any particular fund.

(J) It shall be the duty of the town Marshall and any of his deputies or any policeman of the town, making an arrest to report such an arrest to the Mayor's Court immediately, giving the name of the person arrested, the charge preferred, the amount and kind of bail taken, if any, and the name of any and all witnesses.

(K) No fine or other penalty imposed by the Mayor's Court and paid shall be remitted except by action of the town council, upon the recommendation of the Mayor; provided, however, that this shall not be construed as precluding the Mayor from suspending sentence imposed by such Court. The Mayor shall at any time, before any prison sentence is served, in his discretion, pardon, parole or discharge any person serving such sentence.

(L) The town Clerk shall be the clerk of the Mayor's Court. He shall keep a docket in which shall be entered the title of all cases tried in such Court, the nature of the offense charged, the name of all witnesses sworn and by whom called, the finding and the judgment of the Court, and the fine, the costs incurred, and by whom, whether the judgment is satisfied and if so how satisfied, and the date of appeal if any taken. Upon conviction or acquittal of any defendant in the Mayor's Court the clerk shall procure and file in his office the complaint, warrant, or other process and all papers in the case, and a copy thereof and of the entries upon the docket afore mentioned when certified to by him as being a true copy of the original in his keeping, under seal of the town, shall be prima facie evidence thereof and of the facts therein stated and shall have the same force and effect in all courts as would the original if produced and proved as such. The Clerk shall have the authority to administer oaths and take affidavits in connection with matters in the Mayor's Court, and shall have authority upon the making and filing of affidavit before and with him, charging any person with the violation of a town ordinance, to issue a warrant in the name of the Mayor for the arrest of such persons, and such warrant shall have the same force and effect and shall be executed or served as other warrants of the Mayor's Court.

(M) All appeals from the Judgment of the Mayor's Court of the town of Oviedo, Florida, shall be taken and prosecuted in the manner now provided by general law for appeals to be taken and prosecuted from Municipal Courts.

(N) A sworn or verified complaint shall not be necessary to give the Mayor's Court of the town of Oviedo, Florida, jurisdiction of offenses triable in that Court, but the accused may be tried for the offense as docketed, provided such docket entry is sufficient to put the accused upon notice of the offense with which he is charged.

Section 22. (A) There shall be a town Marshall, who shall be appointed by the Mayor and confirmed by the town council, and who except as herein provided, shall serve for two years and until his successor is qualified. His compensation shall be fixed by ordinance, and shall not be reduced during his term of office. It shall be the duty of the town Marshall to attend all meetings of the town council; to aid in the enforcement of order under the direction of its presiding officer; to execute the commands of the town council from time to time, as well as that of the Mayor in the line of his duty; to execute all papers and process of the town or its authorities; to attend the Mayor's Court during its sittings, to execute its commands and aid in the enforcement of order therein; to perform such other and further duties as are ordinarily incident to the duties of a town Marshall or that may from time to time be lawfully required of him. Subject to the commands of the Mayor he shall have control of the deputy marshalls or police of the town.

(B) The town Marshall, his deputies and town policemen shall have the authority and power to immediately arrest, with or without warrant, and take into custody any person who shall commit, threaten or attempt to commit, in his or their presence or within his or their view, any offense prohibited by the ordinances of the town, and shall, without unnecessary delay, bring the offender before the Mayor's Court to be dealt with according to law.

(C) The town council shall have the power and authority to establish and maintain a police force sufficient to preserve the peace, good order and morals of the town, and to make necessary rules and regulations for its government. The said town council, shall by ordinance provide for the number of regular deputy marshalls and policemen, and the number of special policemen that in their opinion is necessary to carry out the provisions of this act. All deputy marshalls and policemen of the town shall be appointed by the Mayor, and confirmed by the town council. The town Marshall, his deputies and members of the police force of the town, in addition to the powers incident to their office and as herein prescribed, shall possess common law and statutory authority of constables, except for the service of civil process.

(D) Until otherwise provided by ordinance of the town council the town Marshall shall also be the town Tax Collector, but deputy marshalls, unless especially appointed so shall not be deputy tax collectors.

Section 23. (A) There shall be a Town Clerk, who shall be appointed by the Mayor and confirmed by the town council, and who, except as hereinafter provided, shall serve for two years and until his successor is qualified. His compensation shall be fixed by ordinance and shall not be reduced during his term of office. It shall be the duty of the Town Clerk to attend all meetings of the town council and to keep a correct minute of all their proceedings, in a book kept for that purpose. The town Clerk shall be the custodian of papers, books, records and of the seal of the town, and shall affix the seal of the town to all papers and documents requiring the same. He shall perform such duties as are usually incident to the office of the town clerk, and shall perform such duties as are otherwise especially provided for him to perform under this act, and as may be prescribed by town ordinance. He shall keep true and correct records of account of the town property, receipts and disbursements of the town funds and shall countersign all warrants or vouchers issued by authority of the town council against the funds

of the town in the town depositories.

(B) The town Clerk shall be ex-officio town auditor and as town auditor it shall be his duty as often as he deems it necessary, or upon direction of the town council or the Mayor to audit the accounts of all town officers, depositories or employees, and make written report of his doings in the premises.

(C) The town council shall have the power and authority to provide for the appointment of a deputy clerk and of the employment of such assistants as shall be necessary to properly discharge the duties of such office. When provided for and appointed deputy clerks shall have the same authority, in the name of the clerk, as the town clerk has or may hereafter have.

(D) Until otherwise provided by ordinance of the town council the town clerk shall also be the town tax assessor.

Section 24. There shall be a town tax assessor, who shall be appointed by the Mayor and confirmed by the town council, and who, except as hereinafter provided, shall serve for two years and until his successor is qualified. His compensation shall be prescribed by ordinance and shall not be reduced during his term of office. It shall be the duty of the town tax assessor to make up the assessment rolls of the town annually entering in said rolls all taxable property within the town, both real and personal. He shall make up the said assessment rolls and assessments as hereinafter provided in this act. He shall also perform such duties, and shall have and exercise such powers and privileges as are usually incident to the office of town tax assessor, and as are now or that may be hereafter prescribed by general law affecting towns and cities, or as may be prescribed by ordinance of the town council, not inconsistent with this act.

Until otherwise provided by ordinance of the town council the town Clerk shall also be the town Tax Assessor.

Section 25. There shall be a town tax collector who shall be appointed by the Mayor and confirmed by the town council, and who, except as hereinafter provided, shall serve for two years and until

his successor is qualified. His compensation shall be prescribed by ordinance and shall not be reduced during his term of office. It shall be the duty of the town tax collector to collect all taxes on real or personal property in the town according to the assessment roll and as he shall be required by law and the ordinance of the said town; to collect all licenses on all trades, professions and occupations as shall be required or provided by law or ordinance; to collect all such funds and give his receipt therefor. All funds collected by the town tax collector shall at least once each week be turned over to the town depository or depositories designated to receive such funds. He shall make monthly reports to the town council of all moneys and funds collected by him or coming into his hands, and shall make such additional reports as may be required by the town council. He shall perform such other duties and exercise such other powers and privileges as are usually incident to the office of town tax collector, and as are now or may hereafter be prescribed by general law affecting towns and cities, or as may be prescribed by town ordinance, not inconsistent with the provisions of this act. He shall have the power and authority to appoint a deputy town tax collector, whose duties and powers shall be those provided in this act, and as may now or hereafter be prescribed by general law affecting towns and cities, not inconsistent with this act.

Until otherwise provided by ordinance of the town council the town marshall shall be the town tax collector.

Section 26. The town council shall have the power and authority to provide by ordinance for the appointment or designation of any bank or banks of the town of Oviedo, now organized and authorized or as may be hereafter organized and authorized under the State or Federal laws to do a general banking business, or any other bank or banks so organized and authorized, to act as town depository or depositories, and shall prescribe by ordinance the conditions, rules and regulations under which such depository or depositories as such shall serve the town.

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All funds of the town shall by the officers collection the same or having charge of the same, be deposited in the depository designated by the town council to receive such funds, and the same shall be received, receipted for, held and disbursed by such depository under such rules, regulations and conditions as the town council shall, by ordinance from time to time promulgate.

Section 27. That every proposed ordinance or resolution shall be introduced before the town council in written or printed form and shall not contain more than one subject, which shall be clearly stated in the title, but general appropriation ordinances may contain the various subjects and accounts for which the moneys are to be appropriated. The enacting clause of all ordinances shall be: "BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF OVIEDO, FLORIDA". No ordinance, except it be an emergency measure shall be passed until it shall have been read at two regular meetings, not less than one week apart, or unless the requirement of such reading has been dispensed with by unanimous vote of the town council. All ordinances and resolutions passed by the town council and approved by the Mayor shall become effective thirty days from the date of the Mayor's approval, except that the town council may by four-fifths vote of all members of the town council, pass emergency measures to take effect on approval by the Mayor, or the time indicated therein, and if such emergency measures shall be approved by the Mayor or become a law without his approval or be passed over his veto, such emergency measure shall take effect at the time indicated therein. An emergency measure is an ordinance or resolution for the immediate preservation of the public peace, property, health or safety, or providing ~~for~~ ^{for} the usual daily operation of the town government, in which the emergency is set forth and defined in the preamble thereto. Ordinances appropriating money may be passed as emergency measures, but no measure making a grant, renewal or extension of a franchise or other special privilege, or regulating the rate to be charged for its services by any public utility, shall ever be passed. Except on the passage of emergency measures when four-fifths of the vote

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of the membership of the town council shall be required, three-fifths of the vote of the membership of the town council shall be required to pass any ordinance or resolution. The passage of all ordinances and resolutions shall be taken by yeas and nays, and entered upon the journal. Every ordinance or resolution shall upon its final passage and approval by the Mayor, be recorded in a book kept for that purpose, and shall be authenticated by the signature of the presiding officer of the town council, the town clerk, the Mayor and the town seal. Every ordinance having the approval of the Mayor, or becoming a law without his approval shall be published by posting in three public places of the town, or in a newspaper published in the town, within ten days after its approval or passage.

Section 28. That all property, real and personal, in the town of Oviedo not especially exempted by the laws of the State, shall be subject to taxation by the town of Oviedo, and the town shall not have the power or authority to exempt from taxation any property not expressly exempted by state law. That the town of Oviedo shall have the power and authority to make its own assessments of taxes; and for the enforcing of taxes due the town, it shall have the right by way of sale and purchase that the State would have, were such taxes due the State, and the said rights may be exercised in a similar manner to be fixed by ordinance of the town council. That the town assessment shall include the property of railroads and telegraph companies. That in fixing the assessed valuation of the taxable property in the town or the tax levy, neither the town council of Oviedo, nor any of its officers shall be bound by any valuation fixed by any other board, officer or officers of the State or any County, except as is provided in this act.

Section 29. That the town of Oviedo shall have the power and authority to levy and collect an annual tax for general municipal purposes not to exceed twenty mills on the dollar on the assessed valuation of all taxable property within the town. It may also levy and collect, in addition to the amount already stated in this section,

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such taxes as may be necessary for the payment of interest on any bonds of the town issued in accordance with law, and to create a sinking fund or funds for the payment of the principal of said bonds, to pay any judgment against the town and any such sum as may be commanded to be levied by any mandamus legally issued against the town. The said town shall also have the power and authority to, and may annually levy and collect a special tax for permanent improvements, and the adornment, paving and improvement of streets and public grounds of the town and the property of the municipality beyond the limits of the town, which levy shall not exceed in any one year five mills on the dollar of the assessed valuation of all taxable property within the town.

Section 30. That all property within the town of Oviedo taxable for state purposes shall be assessed and listed for purposes of general taxation on the town tax assessment rolls in the name of the owner when the name of the owner is known to the assessing officer, but real property, the owner or owners of which are unknown to the assessing officer, shall be listed and assessed as 'Unknown'. Each lot or separate tract of land shall be assessed separately, except that at the request of the owner of lots or tracts of land adjoining each other or when the owner makes return thereof in such manner, such adjoining lots or tracts of land may be assessed together. The tax assessor shall make diligent inquiry as to the ownership of personal property subject to taxation and shall assess such property in the name of the owner.

Section 31. That all property shall be assessed on the first ^{of} assessment roll made under the provisions of this act as of the first day of June, A.D. 1925; thereafter all property shall be assessed as of the first day of January of the year for which the assessment is made.

Section 32. That in all matters wherein the duties of the town tax assessor are not specifically provided or prescribed in this act or by ordinance of the town council, he shall conform substantially to the laws of the State in regards to the assessment of taxes.

Section 33. That the town council shall be the equalization Board of the town, and shall meet as hereinafter provided; the town clerk shall be the clerk of the equalization board. The said Board may adjourn any of its meetings from time to time until its work has been completed.

Section 34. That the equalization board shall hold its first meeting under this act on September 1st, A.D. 1925, and thereafter it shall meet on the first Monday in July of each year. Notice of meeting of the equalization board shall be given by the town clerk at least ten days prior to its meeting date; such notice stating that the board will be in session on a certain time and place, that the town assessment roll will be submitted to said board for approval on the day and time named for such meeting and requiring all persons desiring to have a correction made in such roll, whether in the listing or valuation of property, or otherwise, to file with him on or before the day previous to the meeting of such board their petitions setting forth their objections to such assessment and the corrections which they desire to have made. That at the meeting of said board all petitions for the corrections of assessments so filed with the town clerk shall be delivered by him to the equalization board, with the town assessment roll, and the said board shall receive, consider and act upon said petitions and shall give such petitioners or their agents permission to be heard in person or by attorney, in open session, until a proper and equitable determination of the merits of the complaint or complaints may have been made.

That the said equalization Board shall have the right to change the valuation or assessment of any real and personal property upon the roll by increasing or decreasing the assessed valuation thereof as shall be reasonable and just to render taxation uniform; provided that the valuation of any real or personal property shall not be increased to exceed twenty per cent without first giving the owner or his agent notice of the intention of the Board to increase it. Such notice shall be served upon the owner or agent by leaving a

copy of the written notice at his or their usual place of abode or business or last place of residence, or by posting copies of such notice in three public places in the town, and shall state the time and place when the Board will be in session to act upon the matter.

That the said equalization Board must place upon and add to the said assessment roll all property, real or personal subject to taxation, which has been omitted therefrom by the owner or the assessor, and enter the same at such valuation that it will bear an equal and just proportion of taxation.

That all sessions of the said Board shall be open to the public.

That all changes in the assessment roll made by the equalization Board shall be noted in the said roll by the town tax assessor, and within thirty days after the equalization Board shall have concluded its examination and correction of the assessment roll, it shall be submitted in corrected form duly certified to by the tax assessor as having been corrected, and equalized by the equalization Board, to the town council and shall stand as the assessment for the year of the taxable property within the town.

Section 35. As soon as practicable after the receipt of the assessment roll, the town council shall determine the amount and fix the rate of taxation and make the annual tax levy for the current year. It shall be the duty of the tax assessor as soon as the town council has determined and fixed the rate of taxation and made the annual tax levy for the current year, to calculate, and carry out the total amount of town taxes, setting opposite the aggregate sum set down as the valuation of real and personal estate, the respective sums assessed as taxes thereon in dollars and cents, rejecting the fraction of a cent if less than one-half, and counting as one cent fractions of one-half or over, and the assessor shall make out two fair copies of the assessment roll as thus completed and shall annex to the original and to each copy thereof a certificate substantially in the following form:

I, _____ Tax Assessor of the Town of Oviedo, Florida, do hereby certify that the foregoing is the assessment roll of the taxable property in the town of Oviedo, Florida, valued at its full cash value, and that it contains a true statement and description of all personal and real property in the town of Oviedo, Florida, subject to taxation by said town, and liable to be assessed therefor; that the listing and valuation as corrected by the Equalization Board and as approved and adopted by the town council, and that all requirements of law and ordinance regulating the making of the assessment roll for the town of Oviedo have been complied with.

Date _____

Tax Assessor.

Sworn to and subscribed before me this the

_____ day of _____ 19____

and the said copies and the original he shall turn over to the town council at its first regular meeting to be held in the month of October of each year, at which meeting the town council shall compare such original and copies and cause the tax assessor to correct all mistakes and inaccuracies of descriptions of any character, and after such rolls shall have been corrected the town council shall endorse on them a certificate that they have so examined them and that they are correct, which certificate shall be endorsed by at least three members of the town council and the town clerk, and the tax assessor shall then issue and annex to one of the said rolls a warrant substantially in the following form:

State of Florida
County of Seminole,
Town of Oviedo:

To _____ Tax Collector, Town of Oviedo, Florida:

You are hereby commanded to collect out of the property and from each of the persons, corporations and firms named in the annexed roll the taxes set down on such roll, opposite each name, corporation

or firm, or parcel of land described; and in case the taxes are not paid at the time prescribed by law, you are to collect the same in such manner as is provided by law and all sums collected you are to hold and account for as provided by law and ordinance.

Given under my hand this the ____ day of _____ 19__

Tax Assessor, Town of Oviedo, Florida.

And a copy of the said warrant shall be recorded in the minutes of the town council, and the town council shall not thereafter have power to change any assessment. The tax assessor shall forthwith transmit one copy of the said assessment roll to the Clerk of the Circuit Court for Seminole County, and the other to which the warrant as aforesaid shall be annexed to the town tax collector, and the other shall be filed in the office of the town clerk. The warrant to the town tax collector herein provided shall remain in full force and effect until all of the taxes as assessed in the assessment roll shall have been collected, and all warrants issued shall have full force and effect in the hands of the tax collector or any successor, immediate or remote, to whom it may have been issued or may be so issued.

Section 36. That if, in any year the town council shall fail to pass a levy ordinance, or if the levy ordinance for any year shall be invalid or inoperative, the returns of the taxes for the year shall be the same as it was the year before, item for item.

Section 37. That all taxes shall be due and payable on the first day of November in each year, or as soon thereafter as the assessment roll may come into the hands of the tax collector, of which he shall give notice by publication one time in a newspaper published in Oviedo, but if no newspaper published in Oviedo, such notice shall be given by posting ⁱⁿ /three public places in the said town, and the tax collector is hereby vested with the power and it shall be his duty to collect by levy and sale of the goods and chattels, lands and tenements assessed, all taxes that remain unpaid on the first day

of April following. Any tax payer paying his taxes on the first day of November of any year or between that day and the first day of December following shall be allowed by the tax collector a discount of two percentum therefrom, and if he shall pay on the first day of December or between that day and January first following he shall be allowed by the tax collector a discount of one per centum therefrom. The town tax collector may appoint a deputy or deputies to levy upon and seize personal property for unpaid taxes, and a written appointment from the town tax collector, with a statement from him of the person in whose name the property is assessed and the amount of taxes due shall be sufficient warrant and authority for such deputy to act, and it shall not be necessary for a deputy to take the tax roll or warrant thereto annexed with him. Deputy tax collectors shall be entitled to the following fees which shall be collected from delinquent tax payers at the time of payment of their taxes: On amounts of less than \$10.00 taxes his fee shall be \$1.00, and on amounts over \$10.00 taxes his fee shall be an amount equal to ten per cent of the taxes due. The Town Tax Collector and his deputy or deputies shall proceed to collect taxes due the town of Oviedo on personal property, in substantially the same manner as is now or may hereafter be provided by general law for the collection of taxes due on personal property to the State and County, and the Town Tax Collector, his deputy or deputies shall have the same power and authority to collect such taxes by levy and sale as is now or may hereafter be given the County Tax Collectors or their deputies for the collection of taxes due on personal property to the State and County.

Section 38. All taxes remaining unpaid upon the first day of April, in each year, shall be deemed and considered delinquent and the town tax collector shall proceed to collect the same as provided by law.

Section 39. That in the collection of delinquent taxes on real estate the town tax collector shall have the same power and authority to advertise and sell the real estate on which the taxes for

the said town have not been paid, as County Tax Collectors now or may hereafter have in advertising and selling real estate for unpaid state and county taxes, and he shall proceed in substantially the same manner as is now or may hereafter be provided by general law for County Tax Collectors to advertise and sell real estate for unpaid taxes due the state and county. All the provisions of the State law for the levying and assessing, enforcing and collecting of state and county taxes shall avail the town of Oviedo hereby created as fully and completely as if embraced herein, insofar as the same does not conflict with the provisions of this act.

Section 40. That the Assessment roll shall constitute notice to the public of a town lien upon the real property assessed from the time a copy of the same is filed in the office of the Clerk of the Circuit Court of Seminole County. The report of every town tax sale shall be recorded in the office of the Clerk of the Circuit Court for Seminole County, as provided by law.

Section 41. The town/council shall have the power and authority to provide by ordinance for the issuing of occupational licenses, on all occupations, business, trades or professions that are not especially exempt from paying municipal license by State Law, and for the collection of the same to the extent authorized by this act and the laws of the State, and may prescribe penalties for carrying on any such occupation, trade, business or profession without first having paid such license; provided, however, that the town council shall have the power and authority to prescribe by ordinance the amount of such license on occupation, business, trades or professions without regard to any limitation now prescribed by general law, and provided further that until the town council shall pass and adopt such ordinance the town of Oviedo shall issue license on all occupations, businesses, trades or professions upon the payment of one-half of the amount now prescribed by General law for the issuance of State license upon like occupations, business, trades or professions, and provided further that the license year shall be from October 1st, until September 31st, following, and provided, further that for any license expiring September 30th, 1925, license shall issue upon the payment

of one-fourth of the amount of the annual license.

Section 42. That whenever it shall be deemed advisable to issue bonds of the town of Oviedo for any purpose or purposes hereinafter named, viz: for raising money to be used in the construction or purchase of water works; for the purpose of constructing or purchasing electric light plant, gas works, or other illuminating works; for the purpose of constructing or extending a system of sewerage, or otherwise promoting the health of said town; for the purpose of opening, widening and paving the streets and sidewalks of said town; for opening, constructing, and maintaining public parks, and promenades; for the purpose of constructing and maintaining a bulkhead or bulkheads along the margin or margins of the lakes and /or streams within the corporate limits of the town of Oviedo; for the purpose of erecting hospitals, school houses and maintaining a system of public education in said town, for the purpose of establishing and maintaining a fire department in said town; for the purpose of constructing or purchasing and maintaining an ice manufacturing plant and cold storage; for the purpose of erecting public buildings for the use of the town; or for any one or more of said purposes deemed necessary for the public good and for such other municipal purposes as may be provided by ordinances, not in conflict with the constitution and laws of Florida, the Mayor and town Council of the town of Oviedo, are hereby authorized to issue bonds of said town under the seal of the corporation, in an amount not to exceed twenty per cent of the assessed value of the taxable property of said town, both real and personal; said bonds to be signed by the Mayor and President or President pro tempore of the town council, and attested by the town clerk, such bonds shall have interest coupons attached but it shall be lawful that such interest coupons shall bear the fac-simile signatures of the officers signing said bonds; provided, however, that before any bonds, or any part of such bonds be issued, the question of issuing them as well as the amount to be issued and the purpose or purposes for which the money arising from the sale thereof, is to be expended, shall be submitted

to the qualified electors of the said town, who are free holders at the time of calling the election, and such bonds may be issued only upon the approval of a majority vote of the said qualified electors who are free holders as aforesaid voting at said election. Before any bond election is held under the provisions of this act the same shall be advertised for not less than thirty days before the day of the election, such advertisement shall be by inserting a notice containing such details as will fully advise the people as to the purpose of the election in a newspaper published in the town of Oviedo, for once each week for five weeks, or if no newspaper be published in the said town, then by posting such notice in five public places in the said town.

That the town council shall provide for the opening of the registration books of the said town before any bond election is held, and also for ascertaining the qualified electors, who are free-holders as aforesaid, qualified to vote at such election.

That any bonds issued under the provisions of this act shall be in such denomination, and shall bear such rate of interest not to exceed eight per cent per annum, shall bear date and become due and payable at such time, date and place, as may be determined and fixed by ordinance; provided that no bonds shall be issued to become due more than fifty years from the date of their actual issuance.

Section 43. That it shall be the duty of the town council as soon as the bonds herein provided for have been approved at the bond election and are ready to be sold, to offer the same for sale. Before selling such bonds the town council shall advertise for bids on such bonds in a newspaper published in the town of Oviedo, but if no newspaper be published in the town of Oviedo, then by posting such advertisement in five public places in the said town, such notice shall state the amount of such bonds to be sold, the rate of interest thereon, when and where due and payable, and the time and place for receiving bids therefor. Bids for the sale of such bonds shall be received not less than thirty nor more than sixty days from the first publication of such notice. The town council shall have

the right and power to fix terms and conditions upon which such bids for bonds shall be received and may reject any and all bids and re-advertise said bonds or any portion thereof remaining unsold. That the town council shall not sell any bonds at more than five per cent discount from the face value thereof.

Section 44. A bank or banks having the qualifications as herein prescribed and as may be prescribed by ordinance for town depositories to be designated by the town council, as depositories are designated, shall receive and be the custodian of said bonds and of all money arising from the sale thereof.

Section 45. That the adverse result of an election to determine the question of the issue of bonds for any one or more of the purposes mentioned in Section 42 of this act shall not debar the then existing, or any subsequent town council, from resubmitting the same question to the qualified electors who are free holders, of the town after the lapse of one year; but the question of bonding for any purpose not already voted upon can be submitted to the voters as aforesaid, whenever in the judgment of the town council it may be deemed proper.

Section 46. That the town council shall advertise for bids for work to be done for which said bonds are issued, and shall award contract for such work to the lowest responsible bidder, who shall be required himself to give bond for the faithful performance of his contract, but said council shall have the right to reject any and all bids received. The said town council shall personally or through properly constituted agents select proper material and have supervision and charge of the carrying out of the work for which the bonds are issued; and shall audit all accounts connected with the work, and pay the same by check or voucher on the bank or banks designated and acting as depositories for the bond funds, which said checks or vouchers shall be invalid unless signed by a majority of the town council and attested by the town clerk, and such checks or vouchers shall be so worded. The town council shall keep or cause to be kept proper books of account which shall at all reasonable

times be subject to inspection by any qualified elector, who is a free holder of the town, and upon completion of the work for which the bonds are issued, the council shall prepare or have prepared a complete statement and full report of their actions in connection with the bond funds and the work done with such funds, and shall publish the same by posting copies thereof at three public places in said town.

That in the event that there is any unexpended balance of money received from the sale of bonds after the work for which they are issued shall have been completed, the town council shall have the power and authority by ordinance to transfer such unexpended balance to another fund of the town, or to expend such money in doing such work for the town as to them shall be deemed proper.

Section 47. That the town council shall have the power and authority to levy annually such special tax on the taxable property within the corporate limits of the town of Oviedo as may be necessary to provide funds for the payment of interest coupons, and to provide for the payment of the principal of any and all bonds, when the same shall become due, the same to be deposited when collected in the town depository designated for such fund, and shall not thereafter be used for any other purpose than that of paying interest and the principal of such bonds; provided, however, that funds so collected may be invested in such interest bearing securities as may be deemed advisable by the town council. Whenever practicable the town council shall invest the sinking fund in bonds of the town of Oviedo.

Section 48. That the town council of the town of Oviedo is hereby authorized by ordinance to regulate, require and provide for the improving, and beautifying of the streets of the town of Oviedo by the laying of (uniform) sidewalks; provided substantial sidewalks are not already laid, and the setting of curbing, and the planting and caring for trees, shrubs and grass, and the making and maintaining of lawns and parks on the streets and public places of the town and in front of lots, and to require the doing of such work according to plans and specifications therefor prepared by the authority of the town council, and to require the owners of lots and blocks, fronting

times be subject to inspection by any qualified elector, who is a free holder of the town, and upon completion of the work for which the bonds are issued, the council shall prepare or have prepared a complete statement and full report of their actions in connection with the bond funds and the work done with such funds, and shall publish the same by posting copies thereof at three public places in said town.

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on the streets, to do the work, or to pay the cost thereof, and the town shall have a lien, superior to all other liens excepting only liens for taxes, for the total cost thereof against said property; provided that all persons owning or interest in, or having liens upon such lots, shall have the right, upon petition, to have the assessment upon such lots or blocks fixed by the town council at an amount not exceeding the special benefits accruing to such lots or blocks.

Section 49. That the town of Oviedo shall have a lien superior to all other liens upon any and all taxable real and personal property within the corporate limits of the said town, for taxes levied or assessed under the provisions of this act.

Section 50. That the Mayor and town council are hereby authorized and empowered to issue time warrants based upon all liens for improvements, and may pledge the proceeds of said liens to the payment of said time warrants; said time warrants may be sold after notice published for at least fifteen days, and at not more than five per cent discount from the face value thereof, and accrued interest, and shall be payable as provided by ordinance.

Section 51. The first general election held under the provisions of this act shall be held on Tuesday after the first Monday in December A.D. 1925, and a general election shall be held every two years thereafter for the election of all town officials, whose offices are filled by election. Special elections that may be necessary or required may be held as prescribed by ordinance providing for holding such special elections. Bond election shall be held as is otherwise provided in this act.

Any person of the age of twenty-one years or over who shall have resided within the State of Florida for one year, and the town of Oviedo for six months, next preceding any general or special election, and who shall have registered his name on the town registration books, and who shall have paid his poll tax, unless exempt by State law, shall be taken as a qualified elector in the town of Oviedo.

That the Town Council shall by ordinance provide for the calling

and holding of general and special elections; provide for the registration of electors and the revision of the registration lists; shall provide for the placing of names on the ballot to be voted for at any general or special election and may provide for the holding of a town primary election for nomination of candidates for offices.

The town Clerk shall be ex-officio the town Registration Officer, until such time as the town council shall by ordinance provide for another person to be Town Registration Officer, and the Town Registration Officer shall have all the power and authority with respect to the town registration as County Supervisors of Registration now have with respect to County Registration in addition to the power and authority conferred upon such officer by town ordinance.

That the inspectors and Clerks of elections shall be appointed by the Mayor and shall take oath to discharge faithfully and impartially the duties of their offices. The polls shall be opened and closed as in state and county elections. The Board of Canvassers for all elections shall be the Mayor, the President or president pro tempore or one member of the town council and the town clerk, and the inspectors and clerks shall within one day after any election is held make their returns to the Board of Canvassers, who shall immediately canvass such returns, determine and certify the results thereof to the Town Council, and if officers are voted on at the election the Board of Canvassers shall issue a certificate of election to the officer or officers elected (nominated) and such certificate shall entitle the holder thereof to the office therein named at the time for taking such office as provided by law.

That in case two or more persons shall have an equal number of votes for the same office, the election for the office for which there is a tie shall again be referred to the qualified electors of the town by proclamation of the Mayor, and such second election shall be held within the next succeeding ten days after the first election.

That in elections for Mayor the person receiving the highest number of votes, shall be deemed to have been elected.

That in elections for membership to the town council the five candidates receiving the highest number of votes cast shall be deemed to have been elected.

Section 52. That all officers elected or appointed to hold office under the provisions of this act, before entering upon their duties as such officers shall make and subscribe to an oath such as is now provided by general law governing cities and towns.

Section 53. That all officers provided to be elected or appointed under the provisions of this act shall, at the time of taking office, have and possess the qualifications of qualified electors of the town, and all officers losing such qualifications shall be deemed to have resigned their office and the same shall be filled as herein provided. Officers and attaches provided for by ordinance shall have and possess such qualifications as the ordinance may prescribe.

Section 54. That should a vacancy occur in the membership of the town council the same shall be filled by the unanimous vote of the remaining members of the town council, by and with the consent of the Mayor. Should a vacancy occur in the office of Mayor more than three months before any general municipal election such office for the unexpired term shall be filled by special election. Vacancies in appointive offices shall be filled by appointment for the unexpired term.

Section 55. That the territory contained within the corporate limits of the town of Oviedo is hereby declared to be, and the same is hereby constituted, an independent road district.

That one-half of the amount realized from any and all road and bridge taxes levied on property within the town of Oviedo by the County Commissioners of Seminole County, Florida, shall be turned over annually to the municipal authorities of the town of Oviedo to be used in repairing, working, improving and laying out the streets and bridges thereof, as may be prescribed by ordinance.

Section 56. That no suit or action for the recovery of damages upon any claim or demand, arising either ex-contractu or

ex-delicto, shall be instituted against the town of Oviedo, unless a written statement giving the particulars of the alleged cause of action, containing a notice of intention to sue, be filed with the Mayor at least thirty days before the suit or action is instituted. It shall be the duty of the Mayor upon receipt of any such statement and notice to refer the same to the town council at his earliest opportunity.

Section 57. Amendments to this charter(Act) may be submitted to the qualified electors of the town of Oviedo by ordinance unanimously passed by the town council and approved by the Mayor as other ordinances, setting forth any proposed amendment. The ordinance providing for the submission of any such amendment shall require that it be submitted to the electors at the next general municipal election, if one shall occur not less than sixty nor more than one hundred twenty days after its passage; otherwise it shall provide for the submission of the amendment at a special election to be called and held within not less than sixty nor more than one hundred twenty days after its passage. Not less than thirty days prior to such election the town clerk shall mail a copy of the proposed amendment to each elector whose names are registered on the registration books of the town. If such amendment is approved by a majority of the electors voting thereon it shall become a part of the Charter and shall be an amendment to this act, at the time named in the ordinance providing for the same, and such amendment shall have the same force and effect as if it had been passed and authorized by the Legislature.

Section 58. That all notices, citations, ordinances, resolutions, advertisements, etc., required to be given or published by this act where not especially otherwise provided for shall be published once each week for the space of time required, in a newspaper published in the town of Oviedo, Florida, but if no newspaper be published in the said town then such publication and notice shall be made by posting a copy of such notice, citation, ordinance, resolution, advertisement, etc., in three public places

in the town of Oviedo, Florida, for the space of time required.

Section 59. That unless otherwise especially provided for in this act the Mayor of the town of Oviedo by and with the consent of the town council, shall appoint all officers and attaches of the town of Oviedo.

Section 60. That the Mayor in case of riot, necessity or other emergency shall have the power and authority to appoint as many special officers and policemen of the town of Oviedo as he shall deem to be necessary to preserve the peace and dignity of the town, and when so appointed the special officers or policemen shall have the same authority as the town marshal during such appointment.

Section 61. That until the officers provided by this act to be elected shall have been elected in the first general election to be held on Tuesday after the first Monday in December A.D. 1925, shall have been elected and qualified.

N.F. Lezette shall be the Mayor of the town of Oviedo, and
Thos. Hollingsworth,

L.E. Jordan,

C.L. West,

B.F. Wheeler,

W.J. Lawton

shall be and compose the town council of the town of Oviedo, Florida, and all the powers, duties, privileges, and the authority imposed delegated and confirmed upon the Mayor and town council of the town of Oviedo, Florida, by this act, shall be vested in, exercised and performed by the said named persons in their respective capacities.

Section 62. That the members of the town council and the Mayor as named in the preceding section having taken and subscribed their respective oaths shall meet at ten o'clock in the morning of June first, 1925, at some public place in Oviedo, and the town council shall assemble at that time and organize the town council as here-

inbefore provided. As soon as the town council shall have organized the Mayor shall submit his appointment for town Clerk and if approved by the town council the Clerk shall be immediately sworn in and assume his duties as town clerk, and then the Mayor shall submit his appointments to such other appointive offices as provided by this act and if approved by the town council such officers shall be sworn in and assume their respective duties. It shall not be necessary for the Mayor and members of the town council as herein named, and any appointees of the Mayor during the month of June 1925, to have first filed their bonds before being qualified to act, but such bonds as are required of the such officers shall have been filed on or before the first regular meeting of the town council for the month of July A.D. 1925, at which time the town council shall act on the same.

Section 63. That the Mayor and the town council of the town of Oviedo, as named in Section 61 of this act, and their successors in office shall have the power and authority to borrow money necessary for the operation of the town government and to give a note or notes in the name of the town of Oviedo, signed by the Mayor and President of the town Council and attested by the town Clerk, and when issued such note or notes shall be good and valid obligations of the said town to be paid from the first funds of the town collected from licenses, fees, or taxation, available for such purposes provided, however, that the aggregate amount of such note or notes shall never at one time exceed \$5,000.00. That the town council shall have the power and authority to provide any and all offices, books, supplies and etc., that in its opinion are necessary in the operation of the town government and to maintain the same, Such offices, books, supplies, and etc., may be purchased from moneys borrowed as herein provided, or may be purchased on time payment plan and when purchased on time payment plan they shall be paid for as soon as funds of the town arising from fees, licenses and taxation as aforesaid are available for that purpose.

Section 64. All general laws of the State of Florida, applicable to municipal corporations, now in force or which may hereafter be enacted, that are not in conflict with the provisions of this act, or with the ordinances and resolutions hereafter enacted by the town council under the provisions of this act, shall be applicable to the municipality of the town of Oviedo, and that in addition to the powers hereinbefore enumerated the town of Oviedo and its officers and employees, shall have all the powers and perform all the duties conferred or imposed upon cities and towns of the State of Florida and officers and employees of cities and towns by general law of the State of Florida now in force or hereafter to be enacted providing for the government of cities and towns, not inconsistent with the provisions of this act; and in all matters of procedure and conduct for the exercise and performance of such powers and duties the general laws of the State of Florida relative to municipalities shall govern, except where otherwise especially provided in this act.

Section 65. That the terms and provisions of this act or any of them shall not be repealed by any law or part of law here after enacted by the Legislature that does not in terms specifically refer to the town charter of the town of Oviedo, Florida.

Section 66. That if any section or part of section of this act prove to be invalid or unconstitutional, the same shall not be held to impair the validity, force and effect of any other section or part of section of this act, unless it appear that such other section or part of section is clearly and necessarily dependent for its operation upon a section or part of section so held to be invalid or unconstitutional.

Section 67. That this act shall become effective and shall be in full force and effect from and after becoming law.

Section 68. That all laws and parts of laws in conflict with the provisions of this act be and they are hereby repealed.

Approved _____